

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 STEVEN FLOYD VOSS,

7 Petitioner,

8 v.

9 PERRY RUSSELL, *et al.*,

10 Respondents.

Case No. 3:19-cv-00197-MMD-CLB

ORDER

11 This is a habeas corpus action under 28 U.S.C. § 2254. Before the Court is
12 Petitioner Steven Voss's motion to stay. (ECF No. 35.) Petitioner seeks a stay this action
13 while he litigates in state court his claims regarding the alibi of an alternative suspect.
14 Respondents do not oppose the motion. (ECF No. 36.) The Court finds good cause exists
15 to stay this action.

16 It is therefore ordered that Petitioner's motion for stay (ECF No. 35) is granted.

17 It is further ordered that this action is stayed while Petitioner's current post-
18 conviction habeas corpus petition is pending in the state courts. Petitioner must return to
19 this Court with a motion to reopen within 45 days of issuance of the remittitur by the
20 Nevada Supreme Court at the conclusion of the state-court proceedings. Moreover,
21 Petitioner or Respondents otherwise may move to reopen the action and seek any relief
22 appropriate under the circumstances.

23 It is further ordered that with any motion to reopen following the completion of all
24 state-court proceedings, Petitioner: (a) must attach an indexed chronological set of
25 exhibits—resuming after the last exhibit number filed herein—containing the state-court
26 record materials relevant to the issues herein that cover the period between the state-
27 court record exhibits on file in this matter and the motion; and (b) if Petitioner then intends
28 to further amend the petition, must file a motion for leave to amend along with the

1 proposed verified amended petition or a motion for extension of time to move for leave to
2 amend. The reopened matter will proceed under the current case number.

3 The Clerk of Court is directed to administratively close this action until such time
4 as the Court grants a motion to reopen the action.

5 DATED THIS 27th Day of May 2021.

6
7 
8 _____
9 MIRANDA M. DU
10 CHIEF UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28